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10	BlidDog Australia Fty Ltd	
11	UNITED STATES	DISTRICT COURT
12	CENTRAL DISTRICT OF CALIFORNIA	
13	CENTRIE DISTRI	CI OI CILLI ORUM
14	BIRDDOG TECHNOLOGY	Case No. 2:23-cv-09416 CAS (AGRx)
15	LIMITED, an Australian company; and BIRDDOG AUSTRALIA PTY,	PLAINTIFFS BIRDDOG
16	LTD, an Australian company,	TECHNOLOGY LIMITED'S AND
17	Plaintiffs,	BIRDDOG AUSTRALIA PTY LTD'S NOTICE OF INABILITY TO
18	V.	COMPLY WITH RECENT COURT
19 20	2082 TECHNOLOGY, LLC DBA BOLIN TECHNOLOGY, a California limited liability company; BOLIN TECHNOLOGY CO., LTD., a Chinese limited company; HOI "KYLE" LO, an individual; JENNIFER LEE, an individual; and DOES 3 through 25	ORDERS (DKT. 70, 72) AND REQUEST FOR EXTENSION
21	TECHNOLOGY CO., LTD., a Chinese limited company; HOI "KYLE" LO, an	[Filed Concurrently with (1) Declaration
22	marviqual, and DOES 3 unough 23,	of Kevin G. Sullivan]
23	inclusive,	Complaint Filed: November 7, 2023
24	Defendants.	FAC filed: January 12, 2024
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	PLAINTIFFS' NOTICE OF INABILITY TO COMPLY WITH RECENT COURT ORDERS AND	

REQUEST FOR EXTENSION

TO ALL PARTIES, THEIR ATTORNEYS OF RECORD AND THE HONORABLE COURT:

PLEASE TAKE NOTICE THAT for reasons that Plaintiffs BirdDog Technology Limited and BirdDog Australia Pty, Ltd (collectively, "BirdDog") have been restrained from providing or explaining to this Court, until around 11:25 p.m. PST yesterday, BirdDog was rendered unable to comply with the Court's orders dated March 13 (Dkt. 70 (ordering the filing of a supplemental brief regarding service of Bolin Limited no later than March 22)) and March 15 (Dkt. 72 (ordering the filing of an amended complaint no later than March 25)), 2024, and pursuant to this Court's inherent authority to control its docket, respectfully requests a brief extension of time to file the Second Amended Complaint.

THIS ACTION

BirdDog initiated this lawsuit on November 7, 2023 against 2082 Technology, LLC dba Bolin Technology ("Bolin LLC") and its Chief Executive Officer Hoi "Kyle" Lo ("Mr. Lo") asserting claims arising from a dispute over contracts for the purchase, production, and delivery of BirdDog cameras and their appropriation of more than \$3M of BirdDog's funds (this "Action"). (Dkt. 1.)

On December 22, 2023, Bolin LLC and Mr. Lo filed a Motion to Dismiss the Complaint contending Bolin Limited was also party to the contracts and was the recipient of the \$3M. (Dkt. 27-1.) On January 12, 2024, BirdDog filed a First Amended Complaint ("FAC"), making Bolin Limited a party and identifying Bolin Limited as the defendant initially sued as Doe Defendant 1.¹ (Dkt. 34.)

BOLIN LIMITED'S AUSTRALIAN LAWSUIT

Within weeks of naming Bolin Limited as Doe 1 and serving the FAC on Bolin Limited, Bolin Limited's CEO Mr. Lo, Bolin LLC, and Ms. Lee, Bolin Limited filed

¹ The FAC also substituted Chief Operating Officer Jennifer Lee as a Doe defendant and asserted new claims in light of recent developments arising from Defendants' theft and improper use of BirdDog's confidential information and trade secrets.

a lawsuit against BirdDog in Australia for breach of contract and misleading and deceptive conduct ("Australian Action") (Dkts. 54-5, 54-6: Australian Statement of Claim) arising from the "same six transactions" at issue in this Action (Dkt. 60).

On February 20, 2024, counsel for BirdDog attempted to confer with Umberg Zipser LLP, counsel for Bolin LLC, Mr. Lo, and Ms. Lee ("Defense Counsel") over a motion for anti-suit injunction in light of the duplicative nature of the Australian Action. (Declaration of Kevin G. Sullivan ["Sullivan Decl."], ¶ 13, Exh. K.)

AUSTRALIAN COURT ORDERS ENJOINING BIRDDOG

On February 21, 2024,² Bolin Limited filed an *ex parte* application in the Australian Action requesting that the Federal Court of Australia ("Australian Court") restrain BirdDog "from taking any further step" in this Action, including by filing a motion for anti-suit injunction enjoining Bolin Limited from pursing its lawsuit in Australia (the "Application for Anti-Anti-Suit Injunction"). (Sullivan Decl., ¶ 2, Exh. A.)

The Australian Court granted Bolin Limited's Application for Anti-Anti-Suit Injunction, enjoining BirdDog from taking "any further step" against Bolin Limited in this Court through March 7, 2024. (Sullivan Decl., ¶ 3, Exh. B.) On March 7, 2024, Bolin Limited sought an extension and expansion of the Order they initially obtained. (Sullivan Decl., ¶ 4, Exh. C.) The Australian Court again granted this request, ordering that the temporary injunction against BirdDog remain in effect until the Australian Court ruled on Bolin Limited's request for more permanent injunctions,³ which was expected by March 15, 2024 or shortly thereafter. (Sullivan Decl., ¶ 5, Exh. D.)

²⁵ The Application for Anti-Anti Suit Injunction and Order are dated February 22, 2024 and not February 21, 2024 because Victoria, Australia is 19 hours ahead of Pacific Standard Time in Los Angeles, California.

³ In addition to the Application for Anti-Anti-Suit Injunction, Bolin Limited requested a broader order enjoining BirdDog from prosecuting this Action. Lacking the ability to file a motion for anti-suit injunction in this Court, BirdDog filed a

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By March 20, 2024, the Australian Court had not delivered its ruling. As such, BirdDog asked Bolin Limited to stipulate to modify the Australian Court's order in light of this Court's March 13 and 15, 2024 orders, but Bolin Limited refused. (Sullivan Decl., ¶ 6.)

BirdDog requested modification of the Australian Court's orders on an emergency basis before its deadline to file the supplemental brief by March 22, 2024 and the Second Amended Complaint by March 25, 2024, but the Australian Court denied the request and informed BirdDog that notifying this Court of the Australian's Court's orders prior to its ruling on Bolin Limited's request for a permanent injunction against BirdDog would violate its prior orders. (Sullivan Decl., ¶ 7, Exh. E.)

ONGOING AUSTRALIAN COURT ORDERS ENJOINING BIRDDOG

On March 26, 2024, the Australian Court ruled on the interlocutory applications. (Sullivan Decl., ¶¶ 8–10, Exhs. F–H.) Although the Australian Court denied Bolin Limited's broader request for an anti-suit injunction enjoining BirdDog from pursing this Action (Sullivan Decl., ¶ 8, Exh. F), the Australian Court extended the temporary order "restrain[ing] [BirdDog] from taking any further step against [Bolin Limited] in the proceeding commenced by them against [Bolin Limited] in the United States District Court for the Central District of California" until 5:00pm on April 9, 2024. (Sullivan Decl., ¶ 9, Exh. G.) The Australian Court entered the foregoing order pursuant to Bolin Limited's request. (Sullivan Decl., ¶ 9.)

MODIFICATION OF THE AUSTRALIAN COURT ORDERS ENJOINING **BIRDDOG**

BirdDog immediately renewed its request to modify the Australian Court's orders to permit BirdDog to (1) inform this Court of the reasons for non-compliance with the Court's March 13 and 15, 2024, and (2) file and serve the Second Amended

motion for anti-suit injunction in the Australian Court requesting an order enjoining Bolin Limited from pursuing its lawsuit in Australia.

1 Complaint. (Sullivan Decl., ¶ 11, Exh. I.) On March 27, 2024, the Australian Court 2 indicated that it would shortly issue an order modifying its previous orders to allow 3 BirdDog to "inform the United States District Court of the reason for non-compliance 4 with that Court's orders made on 13 and 15 March 2024." (Sullivan Decl., ¶ 12, Exh. 5 J.) 6 BirdDog only received the Australian Court's aforementioned 7 communication at around 11:25 p.m. PST yesterday, BirdDog did not know how the 8 Australian Court's ruling would affect its ability to pursue its lawsuit against Bolin 9 Limited here until then. BirdDog apologizes to this Court for its non-compliance 10 with this Court's prior orders and respectfully requests an extension of no less than 11 seven (7) calendar days from today to file the Second Amended Complaint.⁴ 12 BirdDog respectfully awaits further guidance from this Court on the issue. 13 14 Respectfully submitted, 15 K&L GATES LLP 16 17 Dated: March 27, 2024 By: /s/ Cassidy T. Young Ryan Q. Keech 18 Gabriel M. Huey 19 Kevin G. Sullivan Cassidy T. Young 20 21 Attorneys for Plaintiffs 22 23 24 25 ⁴ Although BirdDog understands that this does not excuse non-compliance with the Court's March 13, 2024 Order, BirdDog believes that filing the Second Amended 26 Complaint will moot the issue of whether it properly served Bolin Limited with the 27 First Amended Complaint on February 12, 2024, which was the subject of the Court's March 13, 2024 Order (Dkt. 70), because BirdDog will need to serve the Second 28 Amended Complaint on all defendants, including Bolin Limited.